



# **Wahroonga Adventist School**

Modification of State  
Significant Development  
(SSD 5535 MOD 2)



January 2019

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### **Cover photo**

Perspective view looking south along Fox Valley Road (Source: Applicant's Original SSD Application)

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## Glossary

| Abbreviation    | Definition                                              |
|-----------------|---------------------------------------------------------|
| Applicant       | MacroPlan Dimasi                                        |
| Council         | Ku-ring-gai Council                                     |
| Department      | Department of Planning and Environment                  |
| EP&A Act        | Environmental Planning and Assessment Act 1979          |
| EP&A Regulation | Environmental Planning and Assessment Regulation 2000   |
| EPA             | Environment Protection Authority                        |
| EPI             | Environmental Planning Instrument                       |
| LEP             | Local Environmental Plan                                |
| Minister        | Minister for Planning                                   |
| RMS             | Roads and Maritime Services                             |
| RtS             | Response to Submissions                                 |
| Secretary       | Secretary of the Department of Planning and Environment |
| SEPP            | State Environmental Planning Policy                     |
| TfNSW           | Transport for New South Wales                           |



# Contents

|                                                        |            |
|--------------------------------------------------------|------------|
| <b>Glossary .....</b>                                  | <b>iii</b> |
| <b>1. Introduction .....</b>                           | <b>5</b>   |
| 1.1 Background .....                                   | 5          |
| 1.2 Subject site .....                                 | 5          |
| 1.3 Approval History .....                             | 5          |
| <b>2. Proposed Modification .....</b>                  | <b>6</b>   |
| <b>3. Statutory Context .....</b>                      | <b>7</b>   |
| 3.1 Scope of Modifications .....                       | 7          |
| 3.2 Environmental Planning Instruments .....           | 8          |
| 3.3 Approval Authority .....                           | 8          |
| <b>4. Engagement .....</b>                             | <b>8</b>   |
| 4.1 Department's Engagement and Submissions .....      | 8          |
| 4.2 Response to Submissions .....                      | 9          |
| <b>5. Assessment .....</b>                             | <b>10</b>  |
| <b>6. Evaluation .....</b>                             | <b>12</b>  |
| <b>7. Recommendation .....</b>                         | <b>12</b>  |
| <b>8. Determination .....</b>                          | <b>13</b>  |
| <b>Appendices .....</b>                                | <b>14</b>  |
| Appendix A – Relevant Supporting Information .....     | 14         |
| Appendix B – Modification of Development Consent ..... | 15         |





# 1. Introduction

## 1.1 Background

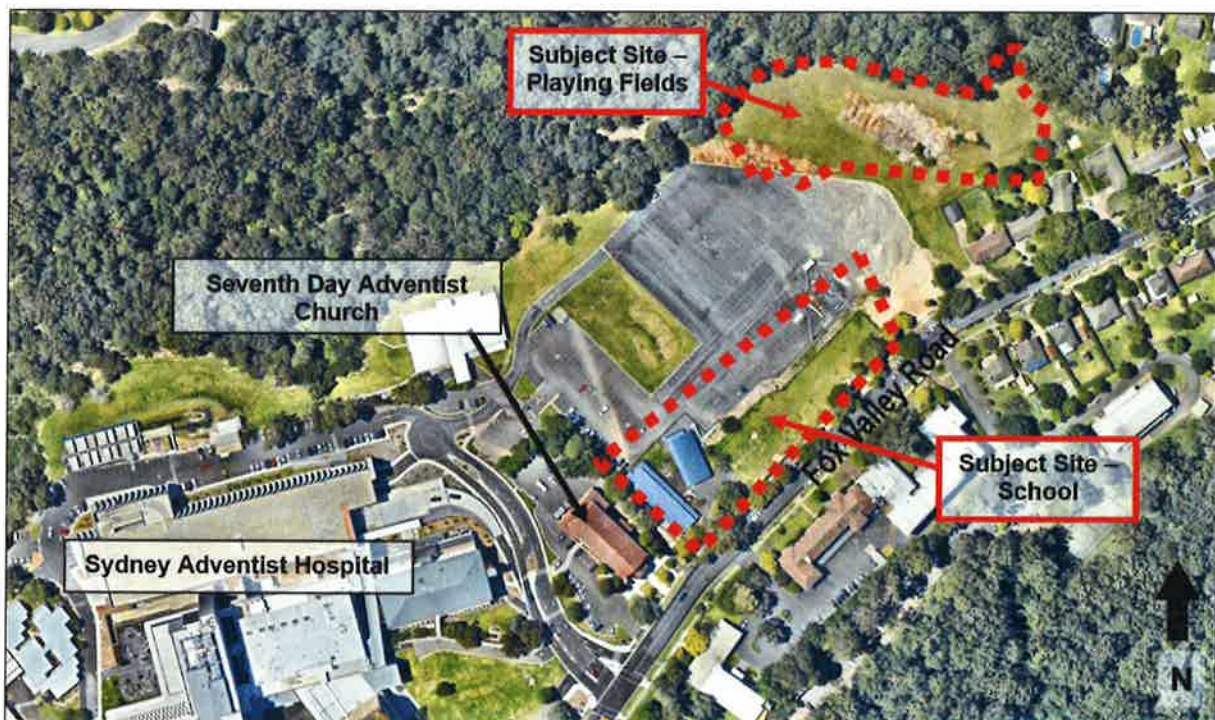
This report is an assessment of an application seeking to modify the State significant development approval (SSD 5535) for the staged construction of a new school and associated facilities at 167-181 Fox Valley Road, Wahroonga (the site).

The application has been lodged by Memphis Strategic (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

It seeks approval to modify the timing for the provision of a new intersection and access road to the school.

## 1.2 Subject site

The site is located at 167-181 Fox Valley Road Wahroonga. It sits within the Ku-ring-gai Local Government Area and has a total site area of 1.42 hectares. The site consists of two separate areas for the school and playing fields. The school has primary frontage to Fox Valley Road with the Wahroonga Seventh Day Adventist Church and Sydney Adventist Hospital located immediately adjacent to the west. The playing fields are located north of the school site with dense bushland adjoining the area further north (**Figure 1**).



**Figure 1** | The Wahroonga Adventist School site (outlined in red) and surrounding context (Base source: Nearmap)

## 1.3 Approval History

On 29 April 2015, the Executive Director, Infrastructure and Industry Assessments, as delegate for the Minister of Planning, granted consent for the staged construction of Wahroonga Adventist School (SSD 5535) (the school), comprising:

- staged construction of a new 8,158 sqm, three to four storey school and associated landscaping
- provision for a maximum of 800 K-12 students
- construction of associated basement car park, with provision for a total of 124 parking spaces and associated set down/pick up facilities
- construction of associated playing fields
- construction of a new access road and signalised intersection on Fox Valley Road.

On 7 August 2015, the Director, Social and Other Infrastructure Assessments approved the modification of the Original Approval (SSD 5535 MOD 1) to correct an administrative error by incorporating 'subdivision' into the development and reference to a draft subdivision plan in the development consent.



## 2. *Proposed Modification*

The proposal seeks approval to amend condition G11 to change the timing for the provision of a new signalised intersection at Fox Valley Road and a new school access road (road works). The condition requires the road works be provided prior to issue of an Occupation Certification for stage 3 of the School which, in addition to the road works, includes construction of the junior school building, extension of the basement car park and the addition of 223 students and 18 staff (**Figure 2**). The Applicant has clarified that the School will only have an additional 97 new students as part of Stage 3 intake.

The Applicant states that the modification is required due to delays in assessment of the new intersection and the proposal seeks to amend condition G11:

- to allow temporary vehicle access to be provided to the Schools basement car park via the main hospital entry and the temporary car park (**Figure 2**)
- require the road works, including an option for a roundabout in place of the signalised intersection, to commence within six months of execution of binding agreements with Council and Roads and Maritime Services (RMS).





- |                                                                                  |                                                                                                                                                                                                   |
|----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| c) the application has been notified in accordance with the regulations, and     | The modification application has been notified in accordance with the regulations. Details of the notification are provided in <b>Section 4</b> of this report.                                   |
| d) any submission made concerning the proposed modification has been considered. | The Department did not receive any public submissions on the proposal. Details of consideration of the public authority submissions are provided in <b>Section 4</b> and <b>5</b> of this report. |

### 3.2 Environmental Planning Instruments

The following EPIs are relevant to the application:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No.19 – Bushland in Urban Areas
- Ku-ring-gai Local Environmental Plan 2015.

The Department undertook a comprehensive assessment of the redevelopment against the above-mentioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied that the modification is generally consistent with the requirements of the EPIs.

### 3.3 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Director, Regional Assessments may determine the application under the delegation as:

- the local council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objections.



## 4. Engagement

### 4.1 Department's Engagement and Submissions

The modification application was made publicly available on the Department's website, and it was referred to Ku-ring-gai Shire Council (Council), RMS and Transport for New South Wales (TfNSW). The modification application was also notified to the Fox Valley Region Action Group.

No **public** submissions were received.

**Council** did not object to the modification and provided the following comments:

- the reference to provision of a roundabout should be removed as the plans currently under review by RMS and Council revolve around the configuration of a signalised intersection
- noting the Applicant's estimate that a maximum of 35 additional vehicles during the drop-off and pick-up peaks, additional traffic generation would be modest and unlikely to have significant additional impact on road operations.



**RMS** did not support the modification and provided the following comments:

- there is no binding timeframe for the Applicant to finish the intersection works
- the current application with RMS for the assessment for design of the intersection is a signalised intersection and not a roundabout
- RMS requested that the condition be amended to require the works authorisation deed (WAD) with RMS be executed no later than June 2019, road works be completed by the end of 2019 and a safe drop-off and pick-up strategy be submitted.

**TfNSW** requested the condition be amended to require the Applicant enter into a WAD with RMS and complete road works within 12 months of occupation of stage 3.

## 4.2 Response to Submissions

Following the notification of the modification, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised.

On 13 December 2018, the Applicant provided a Response to Submissions (RtS) (**Appendix A**). The RtS contains further information and clarification of the key issues raised in the submissions, including:

- clarifying the option of a roundabout was presented as a fall-back option in case the signalised intersection was not approved
- that completion of the road works by the end of the year would be dependent on when the WAD would be executed and as such, the proposed wording (i.e. requiring works be completed within six months from the date of WAD execution) is considered reasonable
- confirmed that Fox Valley Road would not be used for drop-off and pick-up and that currently approved permanent arrangement for drop-off and pick-up from the basement car park would continue to be used.

The Department made the RtS publicly available on its website and notified the government authorities of the RtS. Additional comments were received from Council, RMS and TfNSW. No public submissions were received.

**Council** advised it would support completion of the road works in the amended condition.

**RMS** reiterated its previous response that the WAD should be executed by June 2019 and road works completed by the end of 2019. RMS also noted that the Applicant would be required to enter into a separate WAD with Council for construction of the School access road.

**TfNSW** advised the Department to consider its previous comments and did not provide additional comments on the RtS.

The Department's assessment of the modification is discussed in **Section 5** of this report.



## 5. Assessment

The Department has considered the modification application, the original approval as modified, the issues raised in submissions and the Applicant's RtS in its assessment of the application. The key issues associated with the proposal are considered in **Table 3** below.

**Table 3** | Assessment of Issues

| Issue                | Findings                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Recommended Condition                                                                                                                                                                                                                                                                 |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Timing of road works | <ul style="list-style-type: none"><li>• The development consent currently requires a new signalised intersection at Fox Valley Road and new school access road (road works) be operation prior to issue of the OC for Stage 3. Until this intersection is constructed the school relies on access being provided through the existing intersection further to the south-west which provides access to the Sydney Adventist Hospital.</li><li>• The modification seeks to amend the condition to require the road works to commence within six months of binding agreements being executed with Council and Roads and Maritime Services (RMS). The road works would not be linked to any stage of the development.</li><li>• The Applicant advised that the works have been delayed because it has not yet received Council and RMS approval for the proposed works.</li><li>• Council, RMS and Transport for NSW all raised concern regarding the proposed timing of the condition and suggested alternative timeframes for the completion of the road works.</li><li>• The Department has carefully considered the proposal and accepts that more time will be needed for the Applicant to gain the necessary approval for the road works from Council and RMS.</li><li>• The Department considers that extending the timeframe for the completion of the works is acceptable in this instance as an alternative signalised access point is available, providing safe access to the school.</li><li>• Further the Department notes that the proposal would not result in any significant traffic impacts compared to the current situation as only 97 additional students would be enrolled at the school, which is predicted to generate only 35 additional vehicle movements during the drop off and pick up peaks. The Department notes Council's advice that this would result in only one additional vehicle per signal cycle on each of the Fox Valley Road approaches and two additional vehicles per signal cycle on the Hospital approach. As such, continuation of the temporary access arrangements will not have a significant traffic impact.</li><li>• Notwithstanding, the Department shares the concerns raised by Council, RMS and Transport for NSW about the proposed timing of the intersection works. The Department considers the intersection works should be delivered as soon as possible</li></ul> | The Department has recommended that condition G11 be amended to require road works be completed within one year of the OC or before any further OC is issued for stage 6, whichever occurs first, and to provide a cap on student enrollments unless intersection works are complete. |

| Issue                                 | Findings                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Recommended Condition                            |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
|                                       | <p>as it would result in an improved outcome for pedestrians and vehicles accessing the School.</p> <ul style="list-style-type: none"> <li>As such, the Department recommends that: <ul style="list-style-type: none"> <li>the road works be provided within 12 months of issuing an OC for Stage 3 or prior to the release of the OC for Stage 6, whichever occurs first</li> <li>a cap be placed on the maximum number of students (553) that can be enrolled at the school until the road works have been delivered.</li> </ul> </li> <li>Subject to the modified condition, the Department considers the proposal is acceptable.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                  |
| Roundabout                            | <ul style="list-style-type: none"> <li>The proposal seeks approval to include the option of constructing a roundabout in place of the signalised intersection at Fox Valley Road.</li> <li>The Department does not support including an option to provide a roundabout instead of a signalised intersection as: <ul style="list-style-type: none"> <li>the Applicant has not provided sufficient evidence, plans or reasons for the inclusion of a roundabout</li> <li>Council and RMS do not support it.</li> </ul> </li> <li>As such the Department has not included the option of a roundabout in the recommended condition.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | No additional amendments or conditions necessary |
| Student drop-off and pick-up location | <ul style="list-style-type: none"> <li>RMS requested that suitable arrangements for the safe drop-off and pick-up of students in the school premises be implemented prior to operation of the signalised intersection and access road.</li> <li>The Applicant clarified that drop-off and pick-up is currently occurring internally on the site within the School's basement car park, which is temporary accessed via the existing signalised intersection to the south-west of the site (<b>Figure 2</b>). The modification seeks to extend these arrangements until the road works are complete.</li> <li>RMS did not raise any concerns with the Applicant's response.</li> <li>The Department notes that modification does not propose to change the current student drop-off and pick-up arrangements. It is noted that the current location is the permanent location for student drop-off and pick-up and the access method is temporary until the road works are complete. The Department therefore considers the continuation of the current drop-off and pick-up arrangements are suitable.</li> </ul> | No additional amendments or conditions necessary |



## 6. Evaluation

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate as:

- the proposal does not seek approval for any physical changes to the approved signalised intersection and access road
- the proposal would not result in any significant traffic or safety impacts beyond those already assessed and approved
- suitable access to the site would continue to be provided from the existing signalised intersection at Fox Valley Road
- suitable drop-off and pick-up arrangements would continue to be provided internally on the site
- the Department has recommended strict conditions requiring the intersection be provided within one year of the OC for Stage 3 or before any further OC is issued for stage 6, whichever occurs first, and also placed a cap on student enrollments until the road works have been completed.

Consequently, it is recommended that the modification be approved subject to the recommended conditions



## 7. Recommendation

It is recommended the Director, Regional Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the modification application (SSD 5535 MOD 2) falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for approving the modification application
- **modifies** the consent SSD 5535
- **signs** the attached Modification of Development Consent (**Appendix B**).

Recommended by:

**Michelle Niles**

Senior Planner

Regional Assessments





## 8. Determination

The recommendation is **Adopted by:**

*Anthony Witherdin* 25/1/19

**Anthony Witherdin**

Director

Regional Assessments



# Appendices

## Appendix A – Relevant Supporting Information

The following supporting documents and supporting information to this assessment report can be found on the Department's website at:

1. Modification application  
[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9710](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9710)
2. Submissions  
[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9710](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9710)
3. Response to Submissions  
[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9710](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9710)

## Appendix B –Modification of Development Consent

A copy of the modification of development consent can be found on the Department's website at:

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9710](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9710)